

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13310, of Angelo A. Puglisi, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Paragraph 4101.41 to continue to operate a parking lot and for a variance from the prohibition against all-day commuter parking (Sub-paragraph 4101.413) in an SP-2 District at the premises 1317-31 L Street, N.W., (Square 247, Lots 800, 56, 57 and 82).

HEARING DATES: July 30, and October 15, 1980  
DECISION DATE: September 5, 1980

FINDINGS OF FACT:

1. The subject property is located on the north side of L Street, between 13th and 14th Streets, N.W., in an SP-2 zone district at premises known as 1317-31 L Street, N.W.
2. The 13,700 square foot site is currently operating as a parking facility pursuant to this Board's Order No. 12598, dated June 9, 1978 and Certificate of Occupancy No. B-111848.
3. The applicant proposes the continuation of this facility for a period of four years.
4. The lot accommodates approximately fifty-four vehicles, and is an attendant facility. The proposed hours of operation are from 7:00 a.m. to 6:00 p.m., Monday through Friday.
5. The lot is surrounded by numerous office buildings, including offices for the United Planning Organization and the Federal Law Enforcement Training Center, as well as other office buildings which the lot serves. There are also other parking lots and commercial uses in the area.
6. The lot is in compliance with all of the requirements of the Zoning Regulations and previous Orders of the Board.
7. The previous operation of the lot has not adversely affected any of the surrounding uses, and has not created any dangerous or objectionable traffic condition. It is not anticipated that any changes in these conditions will occur.

8. The applicant testified that, given the lot's proximity to office uses, over one half of the spaces are devoted to all-day commuter parking. The applicant therefore seeks a variance from Sub-paragraph 4101.413 of the Zoning Regulations to permit the all-day parking to continue. The applicant testified that he would not have sufficient short term parking to operate the lot if all-day parking were prohibited.

9. There was no report from Advisory Neighborhood Commission - 2C on this application.

10. The application was referred to the Office of Planning and Development on June 4, 1980. No report was received from the Office of Planning and Development on this application.

11. The applicant testified that the property is subject to an option to allow for its development. That option expires in March, 1981, and the applicant testified that if the option is not exercised, he would develop the site with an office building in compliance with the Zoning Regulations.

12. Mrs. Harriett B. Hubbard, on behalf of the Ward #2 Tenants' Council, opposed the application on the grounds that the Council opposed parking in the SP zone in general, and that the SP zone should be developed strictly for residences. The Board finds that the applicant is not compelled to develop the site for residential use, that each case is heard and decided on its own merits, and that the Council failed to demonstrate any specific objections to this facility.

13. There was no other opposition to the granting of this application.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking a special exception and a use variance. As to the special exception, the Board concludes that the applicant has substantially complied with the requirements of Paragraph 4101.41 of the Zoning Regulations and that the special exception, as hereinafter conditioned, can be granted as in harmony with the general purpose and intent of the Zoning Regulations and will not tend to effect adversely the use of neighboring property. As to the variance to permit all-day commuter parking, the Board concludes that such is a use variance, which requires a showing of a hardship upon the owner of the property that arises from the property itself. The Board notes that more than one-half of the subject parking lot is used for commuter parking on a monthly basis and that the other uses in the near vicinity of the subject parking lot do not generate sufficient short-term parking needs to allow the lot to be operated without all-day parking.

The Board concludes that since part of the subject property is leased for commuter parking and that the physical location of the parking lot precludes its use by short term parkers, the hardship is inherent on the property.

The Board further concludes that with a final ONE year limitation conditioning the grant herein, the use variance can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the special exception and variance are GRANTED SUBJECT to the following CONDITIONS:

- a. Approval shall be for a period of ONE YEAR from the date of expiration of the previous Certificate of Occupancy namely, June 9, 1980.
- b. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- c. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- d. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- e. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
- f. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.
- g. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE: 5-0 (Charles R. Norris, Connie Fortune, Walter B. Lewis,  
Douglas J. Patton and William F. McIntosh to GRANT).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Steven E. Sher  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 23 JAN 1981

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**BOARD OF ZONING ADJUSTMENT**



Application No. 13310, of Angelo A. Puglisi, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Paragraph 4101.41 to continue to operate a parking lot and for a variance from the prohibition against all day commuter parking (Sub-paragraph 4101.413) in an SP-2 District at the premises 1317-21 L Street, N.W., (Square 247, Lots 800, 56, 57 and 82).

HEARING DATES: July 30, and October 15, 1980  
DECISION DATE: November 5, 1980

DISPOSITION: The Board GRANTED the application for ONE YEAR by a vote of 5-0 (Charles R. Norris, Connie Fortune,, Walter B. Lewis, Douglas J. Patton and William F. McIntosh to grant).

FINAL DATE OF ORDER: January 23, 1981

ORDER

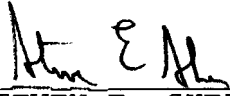
On January 15, 1982, counsel for the applicant requested approval from the Board to modify condition "a" of the Board's order, dated January 23, 1981. In that Order the Board granted continuance of the parking lot for one year. The applicant now seeks an additional three years. In Finding No. 11 of that Order, the Board stated "The applicant testified that the property is subject to an option to allow for its development. That option expires in March, 1981, and the applicant testified that if the option is not exercised, he would develop the site with an office building in compliance with the Zoning Regulations." The applicant now avers the failure of the option contract and his inability to secure financing under the prevailing severe economic conditions as the basis for his request for modification. The Board notes that the subject request was filed some twelve months after the date of the Final Order of the Board and seven months after the Certificate of Occupancy authorized by that order had expired. The Board also notes that the applicant has filed a new application, No. 13720, for the same relief granted in BZA Order No. 13310. Based on the record, the Final Order and the Motion to Modify, the Board concludes that the Motion is untimely filed and that the basis for the Motion can best be considered at the time the new application is heard. Accordingly, it is ORDERED that the request for modification of the Board's Order is DENIED.

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VOTE: 4-0 (Douglas J. Patton, Connie Fortune, William F. McIntosh  
and Charles R. Norris to deny; John G. Parsons not  
voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
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STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: MAR - 1 1982

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION  
OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER  
HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE  
AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."